

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

KENNETH D. LYCOS,

Defendant,

and

MICHIGAN DEPARTMENT OF TREASURY
and ABLE DELIVERY SERVICE, INC.,

Garnishees.

Case Number 11-15090
Honorable David M. Lawson
Magistrate Judge Laurie J. Michelson

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
AND OVERRULING DEFENDANT'S OBJECTION**

The government filed suit against the defendant for unpaid student loans. On December 22, 2011, the Clerk of the Court entered default judgment in this case because the defendant failed to plead or otherwise defend against this action. On January 20, 2012, the government requested a continuing writ of garnishment from the Michigan Department of Treasury and Able Delivery Service, Inc. On February 8, 2012, the defendant filed an objection to the writ of garnishment and requested a hearing. The Court referred the matter to Magistrate Judge Laurie J. Michelson to conduct a hearing on the defendant's objection.

Presently before the Court is the report issued on March 14, 2012 by Magistrate Judge Laurie J. Michelson, which construed the defendant's objection as a motion to set aside the default judgment and recommended that this Court deny the defendant's motion. Although the Magistrate Judge's report explicitly stated that the parties to this action may object to and seek review of the

recommendation within fourteen days of service of the report, no objections have been filed thus far. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the Magistrate Judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the Magistrate Judge.

Accordingly, it is **ORDERED** that the Magistrate Judge's report and recommendation [dkt. # 21] is **ADOPTED**.

It is further **ORDERED** that the defendant's objection to the writ of garnishment [dkt. #15] is **OVERRULED**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: April 10, 2012

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on April 10, 2012.

s/Deborah R. Tofil
DEBORAH R. TOFIL